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**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

**Michael Bellesfield**

Plaintiff,

**Case #**

v.

**Mountain View Tours, Inc.**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

Defendant.

Plaintiff Michael Bellesfield by and through Elizabeth D. Tate, his undersigned attorney of record, submit this Complaint for relief and Demand for Jury Trial pursuant to Federal Rules of Civil Procedure ("FRCP"), Rules 3, 7(a)1, 8(a), and 38(a, b).

**1. Plaintiff's Four Claims**

1 Count One: – Hostile Work Environment in employment in violation  
2 of 42 U.S.C. §2000e2(a)

3 Count Two: Retaliation for having reported or opposed sex  
4 discrimination in violation of 42 U.S.C. 2000e (2)(a)(i)  
5

6 Count Three – State Law Hostile Work Environment in violation of  
7 A.R.S. 41-1463(B)  
8

9 Count Four – State Law Retaliation for having reported or opposed sex  
10 discrimination in violation of A.R.S. 41-1464(A)  
11

## 12 13 **2. The Parties, Jurisdiction and Venue**

14 **1.** At all times material to this Complaint, the Plaintiff, Michael  
15 Bellesfield (“Bellesfield”) and has been:  
16

17 (A) an adult, male resident of Maricopa County, Arizona; and

18 (B) employed by the Defendant, Mountain View Tours, Inc. as a motor  
19 coach driver in Tucson, Pima County, Arizona; and  
20

21 (C) a person who was at all times qualified to perform his job as motor  
22 coach driver.  
23

24 **3.** Defendant Mountain View Tours, Inc. has been at all times  
25 material to this Complaint:  
26

1 (A) an Arizona domestic for profit corporation; and

2 (B) engaged in the business of providing motor coach transportation  
3 throughout Arizona and neighboring states, employing approximately 90 to  
4  
5 100 persons.

6 (C) the “employer” of Bellesfield as defined by 42 U.S.C. §2000e (b),  
7  
8 29 U.S.C. §2611(4), 42 U.S.C. 12111(5) (A) and A.R.S. 41-1461(6).

9 **4.** All events alleged herein occurred within the State of Arizona.

10 **5.** This Court has personal jurisdiction over the parties based upon the  
11 foregoing facts.  
12

13 **6.** This Court has subject matter jurisdiction for the two claims herein  
14 because one arises from federal statutes, 28 U.S.C. 1331, and also as  
15 provided by 28 U.S.C. 1343(a)(3,4). The Court has supplemental jurisdiction  
16 over Plaintiff’s state law claims under 28 U.S.C. 1367(a).  
17

18 **7.** This Court (Phoenix Division) is the proper venue for this action  
19 pursuant to 28 U.S.C. 1391(b) (1, 2).  
20

21 **3. General Fact Allegations**

22 **8.** Mountain View Tours, Inc. hired Bellesfield on or about May 21,  
23  
24 2018 as a motor coach driver. Bellesfield drove motor coach in Mohave  
25 County in the Peach Springs, Kingman and Grand Canyon West areas.  
26

1           **9.** In June of 2018, fellow motor coach driver, Debbie Selders began  
2 sexually harassing Bellesfield. Selders would initiate inappropriate  
3 conversations with Bellesfield telling Bellesfield that she wanted him to rent  
4 an apartment from her girlfriend so he would live nearby her. One day  
5 Selders followed Bellesfield into a shed and said to Bellesfield, "At least I can  
6 do something with my mouth". Selders gave Bellesfield her phone number  
7 and asked Bellesfield to ask their supervisor to give them the same day off  
8 so they could spend time together. Bellesfield did not welcome Selders  
9 comments and tried his best to ignore her. Selders' sexual behavior created  
10 and abusive environment that interfered with Bellesfield's ability to work.

11           **10.** When Bellesfield did not welcome Selders' sexual innuendo, Selders  
12 turned her attention to another motor coach driver named William Brazell  
13 who welcomed Selders' flirting and sexual attention. Soon it became  
14 common knowledge at Mountain View Tours, Inc. that Selders and Brazell  
15 were engaging in an extra-marital affair against their spouses.

16           **11.** Selders and Brazell made no effort to hide their affair. Bellesfield was  
17 compelled to witness the two loudly telling one other "I love you" and others  
18 telling him they kissed and following each other around the office.  
19 Bellesfield's supervisor, Joe Maestras approved of Selders and Brazell's  
20 obnoxious, sexually charged behavior and coordinated Brazell's and  
21

1 Selder's days off. Maestra's bragged that Brazell was Selders, "work  
2 husband."

3 **12.** Finally, on September 15, 2018, Bellesfield complained to the  
4 President of Mountain View Tours, Inc., Gregory P. Conser in a letter and  
5 later in an email on September 16, 2018, that Selders and Brazell were  
6 creating a hostile work environment with their obnoxious affair and sexual  
7 antics. Rather than take measures to investigate and abate the hostile  
8 work environment, Conser told Bellesfield to endure the antics or resign.  
9 One week later, in retaliation for Bellesfield's report to Conser, on  
10 September 21, 2018, Bellesfield's duty supervisor terminated Bellesfield  
11 claiming that someone had complained about Bellesfield.  
12

13 **13.** As a direct and proximate result of the conduct by Mountain View  
14 Tours, Inc., Bellesfield is entitled to compensatory damages for, inter alia,  
15 loss of income, loss of employee benefits, emotional distress,  
16 inconvenience, loss of self-esteem from being unemployed, loss of sleep,  
17 worry about how he will support himself, the loss of valued relationships he  
18 had enjoyed with co-workers and a reduced standard of living.  
19

20 **14.** The conduct of Mountain View Tours, Inc. alleged herein with  
21 respect to Bellesfield was done with a deliberate and malicious intent to  
22 discriminate against him in violation of federal statutes including, inter alia  
23

1 Title VII to retaliate against him for protesting sex discrimination which was  
2 not investigated. Therefore, Bellesfield should be awarded, inter alia,  
3 punitive damages.  
4

5 **15.** Based upon the willful conduct of Mountain View Tours, Inc. and  
6 the harm done to Bellesfield alleged herein, the Court should grant injunctive  
7 relief to remedy the harm done and to enjoin Mountain View Tours, Inc. from  
8 engaging in such unlawful retaliation in the future.  
9

10 **16.** Bellesfield filed a charge of discrimination under charge  
11 numbers 540-2019-00659. (See Exhibit 1 Charge of Discrimination).  
12

13 Bellesfield received his Notices of Right to Sue on January 24, 2019 and  
14 February 4, 2019. (See Exhibits 2 and 3, Notices of Right to Sue).  
15

#### 16 **4. Demand for Jury Trial**

17  
18 Plaintiff demands a trial by jury pursuant to the Seventh Amendment  
19 to the United States Constitution, and FRCP Rule 38(a, b).  
20

#### 21 **5. Requested Relief**

22 Count One: Hostile Work Environment in violation of 42 U.S.C. §2000e  
23 2 (a)  
24

25 1. Compensatory and general damages in an amount to be determined  
26 by the trier-of-fact  
27  
28



1 4. His reasonable attorney's fees and expert fees incurred herein,  
2 pursuant to 42 U.S.C. 1988 (b) (c), FRCP Rule 54(d) (2), and LRCiv Rule  
3 54.2.

4  
5 5. His taxable costs incurred herein, pursuant to FRCP Rule 54(d)  
6 (1), LRCiv Rule 54.1, and 28 U.S.C. 1920.

7 Count Three State Law Hostile Work Environment in violation of A.R.S. 41-  
8  
9 1463(B)

10 1. Injunctive relief including back pay

11 2. Reasonable Attorney's fees

12 3. Taxable costs.

13  
14 Count Four State Law Retaliation for Having Reported Sex Discrimination in  
15 violation of A.R.S. 41-14649(A)

16  
17 1. Injunctive relief including back pay

18 2. Reasonable Attorney's fees

19 3. Taxable costs

20  
21 Respectfully submitted this March 27, 2019.

22  
23 /s/ Elizabeth D. Tate

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25 Elizabeth D. Tate



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